

The Confederate.

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All letters on business of the Office, to be directed to A. M. GORMAN & Co.

SATURDAY, February 27, 1864.

Office of THE CONFEDERATE,
on Fayetteville street, second door
South of Pomeroy's Bookstore.

The decision of Judge Pearson threatens a serious conflict with the Confederate Government, unless steps are at once resolved to prevent it. This decision carries no authority, and ought not to carry any. It is adverse to the decision of every Judge, in every other State, so far as we have heard. It is adverse to Judge Pearson's own decisions made in the case of the Fayetteville Bank, and in that of the Wilmington and Raleigh R. R.—In both of which, under far inferior necessities, the violation of a contract by the sovereign was upheld and justified. But the force of this decision is further weakened, by the settled public opinion, that it is in accordance with fixed prejudices and sympathies, and not the result of unbiased legal conviction. The public were as well satisfied before it was made, how it would be, as after it was done. Indeed, the general rumor has it, that on several occasions the Chief Justice had committed himself, in writing, against the act of Congress, so explicitly as to make any argument a mere absurd form, or the presence of other Judges for consultation a useless ceremony. But the decision is now made—and added thereto is the further ruling: "That the suspension of the *Habeas Corpus* does not apply in these cases."

The Government will hold that it does—and its officers will neither obey Judge Pearson's writ, nor his summons—but will proceed to send the conscripts to the camp. Then, the question arises, will any Judge attack the officers? If he do, the officer will resist under orders, and employ his command in self-defense. The Sheriff will then summon his posse, and Government will strengthen its officer. The Government being still the stronger, the ministerial officer will call upon the Governor—and there the dread responsibility at last will rest.

Unless wisdom and prudence, and patriotic duty shall restrain the Judges, an issue may be sprung of a most dangerous character. What is the duty of a Judge under such circumstances? Why, clearly, to abstain—to reconsider and stop. The act of Congress and its meaning are too clear for dispute. Its purpose, as shown by the proviso to the 5th section, is to prevent "ALL ATTEMPTS to avoid military service," by placing the whole question of liability under the control of the War Department. By this means only could uniformity, justice, and above all, the overriding necessity of the nation be met. The Government now cannot shrink from the full discharge of the duty imposed—not can it wait until June when the Court meets; for before then the fate of the nation may be decided.—The soldier, brave and heroic, but few in number, has appealed for every possible supply to fill his ranks. He has re-enlisted for himself, and will do or die; but he would rather to do—and to this end, he has implored the Government to bring to his side the idle and useless thousands at home, who have too long been sheltered behind his courageous service.

The Government will do it. It can't afford to wait on Judge Pearson or any other Judge. Besides, when the Court meets, even if the two other Judges differ, it will at last carry no authority, as the decision of an appellate tribunal. It would be the mere *diktum* of two Judges against one. This would not bind even Judge Pearson; for he has already committed himself to be bound by the act of the first Judge; (as we have heard,) yet now, he has receded from this position.

So, that there remains no escape, but by prudence and discretion.

The acts of the government must be prompt and up to the necessity of the case. And if a Judge shall place himself in the attitude of aiding the conscript to desert, or of encouraging desertion—or if he shall give "aid and comfort" to the enemy by using his judicial process to deprive the government of the services of those who owe it, that Judge may be in danger of *Treason*—and in these days of dark danger, *no obstacle* must impede the cause of independence and safety. On a trial for this species of treason, the mere construction of the act of Congress would determine the crime—and Judge Biggs is clothed with an authority of opinion quite as ample as that of any State Judge.

The condition of things in North Carolina must be met, and will be met. If extreme measures become necessary, they will be adopted. For ourselves we are free to say, rather, if a blow must fall, let it strike the guilty who know what they do. We pity the poor and ignorant. The criminal who knows better, is the proper subject for punishment, and for example. No, the government cannot retard its action until June, for then thousands of useful arms would be lost in the most important moments of the nation's necessity—and the spirit of those in the field will be depressed by the intelligence that these sleek, oily, well-fed and doubly-paid principals have made their escape. Policy, justice, necessity forbid the government to delay. Its action will be right and proper, and that will fix the guilty responsibility wherever it may belong.

Rev. Dr. Moses D. Hoge, of Richmond, will preach in the Presbyterian Church, in this city, on Sunday (to-morrow) morning and afternoon.

We learn further, that Dr. Hoge will deliver his promised Lectures, in this city, on Monday and Tuesday evenings, next.

Brig. Gen. Baldwin was killed by a fall from his horse at Mobile, recently.

The glorious spirit of the Troops, evinced in the chivalrous emulation in the re-enlistment for the war—the response of the President by an Address to the Army replete with a bold and manly accusation of the nefarious purposes of our foes—with a hopeful assurance of our ultimate success, and a touching recognition of the soldier's claim upon the nation's confidence and the people's gratitude—alone gave comfort and joy to the heart of the country.

Congress has met its grave responsibilities with a like patriotic firmness, and advanced itself to the standard of the popular expectations. A series of measures, well matured, deliberately discussed and thoroughly examined, have been passed—for the increase of the army—the restoration of the currency—the further support of the war—the administration of supplies from abroad—the correction of evil practices by speculators and extortions, and the adaptation of the people to the economies and restraints necessarily incident to the raging revolution—and, not the least of their wise legislation, the withdrawal of a sacred prerogative of the State and privilege of the subject from that abuse which was fast running it into a political machine of evil.

At the close of its labors, in the spirit of a public servant who felt his responsibility to the public and who desired the public approval, Congress did put forth an Address to the Nation, worthy in style and matter of the occasion, of the body making, and of the constitution to whom it is dedicated.

It is known to have emanated from the pen of Mr. J. L. M. Curry, of Alabama. It bears the impress of a master mind—calm, temperate, moderate—it exposes the causes of our separation, the injustice of our enemies, their horrible atrocities and inhumanities, and their ulterior purpose of subjugation and destruction. In the same temper it displays our long forbearance—our united action in effecting the separation—the legal and constitutional medium through which we formed our new alliance, carry universality of conviction among the people, that the new Government is the child of law instead of sedition—of right instead of violence—of deliberation instead of insurrection.

The whole address is a monument to Mr. Curry's capacity as a writer; to his ability as a statesman, and to his character as a Christian. It is at the same time an instructive guide to the nation. It marks in precise and sententious terms, our anxiety for peace; and defines within explicit boundaries the conditions of its acceptance. It recapitulates the evidences of our desire for peace, to be found in the oft-expressed sentiments of the press, of our public speakers and assemblies, in the consecutive efforts of our Government to enter upon negotiations at least to modify the inhumanities of war. It contrasts the sullen, malignant and repeated spurns of our offers, and the contemptuous rejection of all terms of conciliation and compromise by our enemies, with our own frequent expressions of desire for its advent; and it sums up in the presentation of the late Resolution passed by the Federal House of Representatives—the last defiant and vindictive determination of those who assail us—to oppose propositions for peace, to prosecute the war, and to enforce if possible their hateful domination on our people. Thus fortifying its position with impregnable bulwarks built upon the right—the truth—the justice of our cause—the necessity of our defence, and of maintaining it by the power of our strength; it rests upon the logical conclusion, that until a change of policy indicates a change of feelings on the side of the enemy—"any direct overtures for peace would compromise our self-respect, be fruitless of good, and interpreted by the enemy, as an indication of weakness. We can only repeat the desire of the people for peace, and our readiness to accept terms consistent with the honor and integrity and independence of the States, and compatible with the safety of our domestic institutions."

This announcement of Congress is reciprocated by the patriotic public. We would gladly hail peace on the terms submitted—nothing less would suffice, except to recreants and traitors.

If any remnant of wisdom yet remains to the North, a party strong enough to put down abolition fanaticism may arise and succeed; and may propose to meet us on these fair and reasonable grounds. The people may be assured that our Government would lose not a moment in welcoming this overture, and in entering upon the necessary negotiations. In the meantime, the agitating and silly projects of State action, would but weaken the chances of such an overture, and lead to division among ourselves. The duty of patriotic men is to aid the Government—to put forth our military strength—to fill the army—to provide for its comfort—to sustain the poor at home, and leave the constituted authorities in their several spheres to the performance of their duty—untrammeled by agitations—agitations which produce no good—which only bring to the surface selfish politicians and weak, vain men, whose aspirations are satisfied with notoriety, while the people at large are disturbed and discontented.

Away with all such—and let us wait upon our Government—on our indomitable soldiers—the instruments, under a merciful and all-wise Providence, by whom our deliverance is to be effected.

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Secretary Mallory.

We have published, and invite the public attention to the report of the committee appointed by the two Houses of Congress, at its session before the last, to investigate the conduct and management of the affairs of the Navy Department.

Mr. Mallory had been harshly accused, his capacity had been severely criticized, and altogether a public judgment had been passed upon his administration, of condemnation and execution. The President was again and again urged to dismiss him from his councils an incompetent and useless officer. The President, with that wisdom and prudence which mark a just and discriminating mind, refused to yield to popular clamor, but at once responded to the call of Congress.

A committee was appointed, with full power to send for persons and papers. Mr. Secretary Mallory courted the investigation, and in the language of the report "offered all information under his control and every facility for obtaining it he could employ," in order to a complete sitting inquiry. Evidence has been taken to fill a volume, and the result not only exonerates Secretary Mallory from every specific fault which has been laid to his charge, but the committee, by an unanimous decision, report—

"That the testimony does not furnish any sufficient grounds for imputing the short comings, failures and disasters of our Navy to the Secretary; on the contrary, it shows "that he has been vigilant, industrious and energetic in employing the means within his power to purchase and build a navy."

Mr. Mallory, while in the United States Senate, had been for a long time on the committee of Naval affairs, and its chairman in the Senate. He had acquired an experience of many years' intimate official association with the best officers of the old Navy. He had devoted much labor and study to this branch of the public service; and he carried the confidence of the body, which again and again entrusted him with the interests of navy.

The present investigation is a just tribute of approval to a faithful officer, and justifies to the President and country the fitness of his appointment and retention.

Those Georgia Resolutions.

A VERY WRONG WRIGHT.

It will be recollect that a Mr. Wright of Georgia, introduced into the House of Representatives of the late Congress, certain PEACE RESOLUTIONS. We have forborne heretofore to notice them, although they for a moment gave much comfort to the agitators in this State, because the disposition of them was so curt and summary, that we were content to see them die, as they did, like a pig with a knife in his throat—one spur, a squeal and a kick.

But we have lately been accurately informed of their fate—and this is the recital of the birth, life, and death of this other "orrible joy"—a legitimate twin brother of our own "joie du berceau." (Mr. Dick will please translate.)

Mr. Wright on one day when the States were called for resolutions, offered a paper to be read at the Clerk's table containing resolutions. A member immediately enquired what they were? and was informed they were PEACE RESOLUTIONS—and thereupon before they reached the reading desk, the House went into secret session. They never were read—never received—of course never considered. But, after Mr. Wright gave them out to be printed, it was found, that like our own "State action," they squinted at "terms with the enemy," and reconstruction—whereupon, a member prepared a resolution for the expulsion of Mr. Wright; but before it could be presented, this worthy took leave of absence.

"They missed him on the accustomed hill, Nor up the road, nor by the brook was he." We won't vouch for the quotation, but the application we stand by.

And no more did Mr. Wright make his appearance during the session. He, his resolutions, and his intended Buncombe, all went off together—like a pinched out tallow candle—a little smoke, a disagreeable odor, and then forgot. Such will be the fate of any ignorant and fool-hardy agitator, who may venture in the next Congress to tamper with its patriotic temper.

Senator Borch.

In striking contrast with the position taken by Mr. Read in his short life of Senatorial duty, is the attitude maintained and the character earned by our other Senator, Mr. Borch. In our intercourse with members of that body we were greatly gratified to find that the representatives from North Carolina whom we last named, had inspired a universal respect for, and confidence in his practical business qualities. He has been a fast supporter of the cause and of the Government, and well merits the public commendation for his useful and valuable service.

The appointment of Mr. Davis to the Department of Justice, and to membership of his Cabinet, is another assurance from the President of his good disposition towards North Carolina. When history shall do her justice, it will be seen that as well in his frank and unreserved official intercourse with Governor Vance—as in all other matters the President has endeavored in a marked and earnest manner to render justice to the State. In Mr. George Davis has selected a fit representative for the State in the Department to which he was assigned. From the time when this gentleman was first selected by both parties to a seat in the Senate, to the present, he has done no act and omitted no duty to forfeit the universal esteem in which he is held.

The Standard has suspended! Well, thank God for that. I voted for Gov. Vance, and hope to do so again—was an anti-war man till to be one any longer would have entailed disgrace on my children. Now I go with you and the Observer for an honorable peace, but not a submission to Lincoln for the sake of a patched up peace.

Gen. Jo. Lane, formerly a United States Senator from Oregon, and candidate for the Vice President in 1860, is now in the cattle trade in British Columbia.

Murder, Violence and Treason.

The following letter from Randolph county, will give some idea of the mischief which the Agitators in North Carolina are producing. And this will be but the beginning if stern and prompt measures be not taken to arrest the evils. We call the attention of the Confederate and State authorities to the cruelties and outrages reported by our correspondents:

RANDOLPH CO., N. C., Feb. 22, 1864.

Messrs. Editors: On last Wednesday, the 17th, several deserters went to the house of Mr. Pleasant Simons, of Montgomery county. Some four of them entered his house after the family had retired to bed and demanded bacon of him. He concluded to give them some and ordered his daughter to get it. She brought them two hams: they said that would not do, they must have more. They then went to the smoke-house, broke the door open and began to cut down the meat; when an acquaintance, Mr. Jacob Sanders, who was lodging with Mr. Simons that night, got up and went out to them with Mr. Simons, as they said he was not quite d—d. His daughter interceded, and they left to take off their breast and shoulder. Six or eight balls went through the smoke-house door, and one ball through the dwelling house door. The yard was strewn with human gore: it stood in some places in puddles, where the men lay.

Mr. Simons came out of the house to her husband, when the devils ordered her back in the house or they would put lead in her; that they had sent their sons to the war, and they were all d—d—d set of secessionists, and took up a rock to put an end to Mr. Simons, as they said he was not quite d—d. His daughter interceded, and they left to take off their breast and shoulder. Six or eight balls went through the smoke-house door, and one ball through the dwelling house door. The yard was strewn with human gore: it stood in some places in puddles, where the men lay.

I attended the funeral of my friend Mr. Simons, who was a very respectable citizen, as was also Mr. Jacob Sanders—both men over 60 years of age, and leave large families, having sons in our army.

Only a few days previous, a Mr. Clegg was shot in the same neighborhood, but not mortally. Can nothing be done to put a stop to those acts of murder and treason?

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We learn that the family of Col. Cantwell of this city, have received a letter from him, which states that all the Confederate officers whose names begin with A, B, and C, who have been confined as prisoners of war at Johnson's Island, have been moved from that place to Point Lookout. Persons who have friends among those prisoners whose names begin with either of the above initials, should address them at Point Lookout. We hope it is an *en route* movement for their exchange.

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The brilliant success now achieving in a department under the command also of another of his sons, who is revered and cherished by her for his ancestral and individual worth, brings to the State a proud self-satisfaction.—Who shall question her renown, when the future will be filled with the deeds of these her illustrious representatives?

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A Good Hint.—The Charleston Courier gives the papers in Alabama a wholesome hint, which some of the Press in other States might appropriate with benefit. It says:

Some of our exchanges in Alabama may be reminded without dictation, that their issues may reach Sherman as soon as a large portion of their Confederate readers.

It may be well to omit details as to places, purposes, or numbers—although the temptation to editorial strategy and advice is very strong.

For The Confederate.

GARRETTSBORO, N. C., Feb. 24.

The conscript office is this week enrolling in our county, and, as usual, the Examining Board have a number of sickly cases before them. One man has a very lame leg, who, before the conscript law was passed could dance all night, and go home with the girls in the morning." Another a stiff arm: another is deaf as a post, and another has a terrible stammering, and so on to the end of the chapter. Some get off; others are sent on, and some are waiting. Our Board of Examination are a sober set of men, and thus far have given as general satisfaction as could be expected. Capt. Barnett, who takes the place of Capt. Anderson as Enrolling Officer, is a high-toned gentleman, but if he comes up to Capt. A. in the affections of our people, will have to put on his best.

The Standard has suspended! Well, thank God for that. I voted for Gov. Vance, and hope to do so again—was an anti-war man till to be one any longer would have entailed disgrace on my children. Now I go with you and the Observer for an honorable peace, but not a submission to Lincoln for the sake of a patched up peace.

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